

### REMARKS

Claims 1-9 and 13-57 are pending, with claims 1, 20, 25, 26, and 39 being independent.

As a preliminary matter, Applicant thanks Examiner Nguyen for the telephonic interview conducted with the Applicant's representative, Babak Akhlaghi, on June 11, 2007. During the interview, the rejection of claim 1 as being anticipated by U.S. Patent Number 6,571,290 ("Selgas") was discussed. This response incorporates the substance of the interview.

#### ***Claim Rejections – 35 U.S.C. § 101***

Claim 25 was rejected under 35 U.S.C. § 101 as being allegedly directed toward non-statutory subject matter. In particular, the Office Action asserts that "Applicant's disclosure contains no explicit and deliberate definition for the term 'means,' and in the context of the disclosure and claims in question, one of ordinary skill would reasonably interpret the 'means' as software applications." Final Office Action at page 2, lines 14-19. To obviate this rejection, Applicant has amended the preamble of claim 25 to recite "[a] computer system that includes a processor operable to execute instructions contained in the memory, the processor comprising..." Applicant respectfully submits that this amendment limits the subject matter of claim 25 to the statutory subject matter.

This amendment does not raise new issues. Rather, it helps to clarify the statutory subject related to claim 25. Therefore, it is proper to enter this amendment, notwithstanding the final status of this action.

#### ***Claim Rejections – 35 U.S.C. § 102***

Claims 1-26 were rejected under 35 U.S.C. § 102 as being anticipated by Selgas. Applicant has amended independent claims 1, 20, 25, and 26 to overcome this rejection.

As amended, claim 1 recites a computer-implemented method for modifying network configuration information on a client node. The method includes, among other features, "using [a] configuration history information along with [a] policy information to determine whether at least one of the parameters of the previous and no longer active network connection fails to satisfy the desired network connection performance rule and if it is determined that the at least

one of the parameters of the previous and no longer active network connection fails to satisfy the desired network connection performance rule, modifying the at least one network configuration parameter used to establish the network connection between the client node and the host node.”

To illustrate one non-limiting implementation, the application describes with respect to FIGS. 1, 2A-2C, and 3A-3C and on page 3, line 19 to page 4, line 6 that

**if a parameter in the configuration history information 114 [(e.g., parameters related to a previous and no longer active modem connection between the client node 108 and the host node 102)] does not satisfy one of the predetermined criteria, the client node 108 modifies its network configuration parameters 112 when establishing subsequent connections with the host node 102. For example, a rule contained in the policy information 110 may be applied to determine that a performance statistic in the configuration history information 114 does not satisfy one of the predetermined criteria relating to performance. In this scenario, the client node 108 would then modify its network configuration parameters 112 in an attempt to improve the performance of connections made with the host node 102.**

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 and its dependent claims because Selgas fails to describe or suggest at least “using [a] configuration history information along with [a] policy information to determine whether at least one of the parameters of the previous and no longer active network connection fails to satisfy the desired network connection performance rule; and if it is determined that the at least one of the parameters of the previous and no longer active network connection fails to satisfy the desired network connection performance rule, modifying the at least one network configuration parameter used to establish the network connection between the client node and the host node” (emphasis added), as recited in claim 1.

Selgas describes a system that enables a user to access one of several ISPs. Col. 5, lines 50-57 and col. 8, lines 32-35. Referring to FIG. 1 of Selgas, the user (110) accesses the Internet (100) via one of the predetermined ISPs (102). Col. 6, lines 40-42. After the user (110) accesses the Internet (100) via one of the predetermined ISPs, the client dispatch application (200) resident on the user's computer transmits a data message to the access service (106) through the Internet (100). Col. 7, lines 32-36. In response to the received data message, the access service (106) transmits to the user's computer an access information data message that includes access information for a particular ISP. Col. 7, lines 53-59. After receiving the access information, the client dispatch application (200) disconnects the user from the current ISP (102) and automatically dials and reconnects the user to the desired ISP. Col. 8, lines 9-13. If, however,

the current ISP and the specified ISP are the same, the client dispatch application (200) will not disconnect the user (100) and the user's session will continue uninterrupted. Col. 8, lines 17-21.

Notably, Selgas does not describe or suggest accessing configuration history information describing parameters of a previous and no longer active network connection between the client node and the host node and using this information as a basis to determine whether or not to modify the at least one network configuration parameter used to establish the network connection between the client node and the host node (emphasis added). Instead, Selgas relies on access service (106) to provide access information to the user, enabling the user to access one of several ISP based on the attributes such as, cost, location, availability, and reliability. Office Action, page 4, lines 5-7 and col. 8, lines 32-54 (stating, “[b]ased on the geographic location of the user (100), the access service (106) identifies, to the user (110a), one or more ISPs (102) that provide local access availability ... and provides the user with information needed to access one of the identified ISPs”).

Accordingly, Selgas fails to describe or suggest “using [a] configuration history information along with [a] policy information to determine whether at least one of the parameters of the previous and no longer active network connection fails to satisfy the desired network connection performance rule and if it is determined that the at least one of the parameters of the previous and no longer active network connection fails to satisfy the desired network connection performance rule, modifying the at least one network configuration parameter used to establish the network connection between the client node and the host node” (emphasis added) as recited in claim 1.

In response to Applicant's arguments, the Final Office Action asserts that Selgas, in column 9, lines 39-62, teaches “collecting and storing configuration history information in the network services database 206” and, in column 10, lines 4-11, teaches “collecting and storing policy information in the network services database 206.” Final Office Action at page 15, line 18 to page 16, line 25. The Final Office Action also asserts that Selgas in column 17, lines 40-65 teaches that the data message transmitted from the client dispatch application (200) to the access service (106) comprises header information including the information within the network services database (206) (e.g., the configuration history information and the policy information), which is used as a basis to determine whether or not to modify at least one network configuration

parameter used to establish the network connection between the client node and the host node. Applicant respectfully disagrees with this assertion.

To this end, Applicant respectfully submits that in this section Selgas merely describes that the header information includes revision information for network services database (206) such that revision information dictates to the access service (106) to provide update information to the client dispatch application (200). This, without more, does not describe or otherwise suggest that the policy information and configuration history information describing parameters of a previous no longer active network connection between the client node and the host node are used by the access service (106) as a basis to determine whether to modify the at least one network configuration parameter.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1, along with its dependent claims.

Independent claims 20, 25, and 26 include features similar to the above-recited features of claim 1. Therefore, for at least the reasons presented above with respect to claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 20, 25, and 26, along with their dependent claims.

### ***Conclusion***

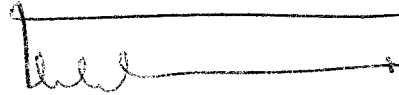
It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Peter A. Fortman et al.  
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No fee is believed to be due. Please apply any other charges or credits to deposit account  
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Respectfully submitted,



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Babak Akhlaghi  
Reg. No. L0250

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

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